

Education Related Legislation Enacted by the 124th Maine Legislature Second Regular Session



Prepared by:

**Maine Department of Education
Angela R. Faherty, Ph.D. Acting Commissioner**

Summary of Education Related Bills Enacted by the Second Regular Session of the 124th Maine Legislature

Title	Provisions	Effective Date Action Required	Contact
LD 425, Public Law, Chapter 634 <i>An Act To Require Private Insurance Coverage for Certain Services for Children with Disabilities</i>	<p>Requires that individual and group health insurance policies, and health maintenance organization contracts, provide coverage for children's early intervention services for children from birth to 3 years of age after a referral from a primary care provider and if the child has an identified developmental disability or delay as described in the federal Individuals with Disabilities Education Act, Part C. Limits coverage to \$3,200 per year per child up to a maximum of \$9,600 by the child's 3rd birthday.</p> <p>The bill applies to all individual and group health insurance policies, contracts and certificates issued or renewed on or after January 1, 2011.</p>	<p>July 12, 2010</p>	<p>David Stockford</p>
LD 551, Resolve 2009, Chapter 197 <i>Resolve, To Direct the Commissioner of Education To Review the Essential Programs and Services Funding Formula</i>	<p>Requires the Commissioner of Education, in consultation with the Maine Education Policy Research Institute (MEPRI), to analyze the components of the Essential Programs and Services (EPS) funding formula as follows:</p> <ul style="list-style-type: none"> • Analyze each component of EPS. • Review the original policy and educational objective for each cost component and describe the original and current methodology used to calculate the resources determined to be adequate for each component. • Review the subsidy distribution methodology originally established for EPS and the subsidy distribution methodology currently used. • Identify the characteristics of existing higher performing more efficient schools and lower performing less efficient schools – Compare student performance with that of students in other States. • Evaluate the statutory framework that determines the formula for the Commissioner's Recommended Funding Level. 	<p>July 12, 2010</p> <p>Begin the review with MEPRI by July 15, 2010.</p> <p>Informational Letter to Superintendents by July 1, 2010.</p> <p>The Department will report the findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs by January 3, 2011.</p>	<p>Angela Faherty, Acting Commissioner Jim Rier Jim Banks, Chair State Board of Education David Silvernail, MEPRI</p>

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	<ul style="list-style-type: none"> The Commissioner and MEPRI are to propose any changes to the Joint Standing Committee on Education and Cultural Affairs by January 3, 2011. 		
LD 570, Public Law 2009, Chapter 580 <i>An Act To Improve the Laws Governing the Consolidation of School Administrative Units</i>	<p>Amends several provisions of the school administrative unit reorganization laws that:</p> <ul style="list-style-type: none"> Allow the Commissioner, under unique circumstances, to approve a Regional School Unit (RSU) or Alternative Organizational Structure (AOS) reorganization plan with exceptions to the minimum student enrollment requirements; Require that member entities of an AOS must be recognized by the Department of Education (DOE) as discrete school administrative units for school subsidy purposes, unless the reorganization plan recognizes them as a single school administrative unit for subsidy purposes; Eliminate the budget validation referendum for the AOS administrative budget; Allow the counting of students from the unorganized territory a “attending” students for the purpose of the minimum enrollment criteria; Permit a member entity to withdraw from an AOS when the AOS structure is approved after July 1, 2010 and allows AOS structures approved prior to July 1, 2010 to continue to use the withdrawal provisions approved as part of their reorganization plan; and Amend collective bargaining provisions to provide requirements for AOS that align with existing provisions of RSUs. 	<p>April 1, 2010</p> <p>The Department will continue implementation of school reorganization.</p> <p>Informational Letter to Superintendents by July 15, 2010.</p>	<p>Angela Faherty, Acting Commissioner Jim Rier</p>
LD 1022, Public Law 2009, Chapter 623 <i>An Act To Amend the Laws Governing the Legislative Youth Advisory Council (EMERGENCY)</i>	<p>Repeals existing statute relating to the Legislative Youth Advisory Council and replaces it with new language that provides costs savings to the Council by reducing the number of times it may meet, providing greater flexibility with respect to where and how it holds and conducts its meetings, and encouraging participation of youth members in the legislative process through such activities as shadowing</p>	<p>April 9, 2010</p> <p>The Department will continue to monitor the Legislative Youth Advisory Council and participate as appropriate.</p>	<p>David Stockford</p>

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	<p>legislative members during the session, attending public hearings and work sessions and testifying before legislative committees on matters pertaining to youth.</p> <p>No additional funds are appropriated or allocated to the Council and all activities of the Council during fiscal years 2009-10 and 2010-11 must be funded from the approximately \$4,000 budgeted by the Legislative Council in the current biennium.</p> <p>Legislative and youth members appointed by the presiding officers of the 124th Legislature remain as members until the convening of the 125th Legislature.</p>		
<p>LD 1198, Public Law 2009, Chapter 635 <i>An Act To Reform Insurance Coverage To Include Diagnosis and Treatment for Autism Spectrum Disorders</i></p>	<p>Requires individual and group health insurance policies, contracts and certificates for health insurance to provide coverage for the diagnosis and treatment of autism spectrum disorders for persons 5 years of age and under. Coverage for applied behavior therapy is subject to a maximum annual benefit of \$36,000 per year.</p> <p>The provisions of this bill apply to individual and group policies, contracts and certificates issued or renewed on or after January 1, 2011.</p> <p>Requires the Department of Administrative and Financial Services (DAFS) Bureau of Insurance to submit a report related to the experience of carriers with the mandate requiring coverage for diagnosis and treatment of autism spectrum disorders, particularly applied behavior analysis services.</p> <p>The report must be submitted by February 1, 2015 to the Joint Standing Committee on Insurance and Financial Services. That Committee is authorized to report out a bill to the First Regular Session of the 127th Legislature.</p>	<p>July 12, 2010</p> <p>The Department of Administrative and Financial Services (DAFS), Bureau of Insurance is to submit a report by February 1, 2015.</p> <p>The Department of Education will monitor the Bureau of Insurance review and report to the Joint Standing Committee on Insurance and Financial Services regarding any impact on the Department or school administrative units.</p>	<p>David Stockford</p>

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	<p>website. The Department shall refer any questions regarding the program to the relevant accredited Maine community college, college or university's financial aid office.</p> <ul style="list-style-type: none"> • It provides that all accredited Maine community colleges, colleges and universities shall certify the total principal that an individual who has earned a degree at the institution has received as part of the individual's financial aid package. • It repeals the rule-making provision established in Maine Revised Statutes for the administration of the program. • It directs all accredited Maine community colleges, colleges and universities to file a report with the DOE by February 1, 2011 and February 1, 2012 on how the program is working, and it directs the DOE to convey the information gathered to the Joint Standing Committee on Education and Cultural Affairs by March 1, 2011 and March 1, 2012. • It also directs the State Tax Assessor to report on implementation of the program to the Joint Standing Committee on Education and Cultural Affairs by March 1, 2011 and March 1, 2012. • It directs the State Board of Education to repeal the rules adopted for the administration of the program. <p>Part B of the bill amends the educational opportunity tax credit to reflect the changes that were made to the program in Part A and enacts an income modification to Maine taxable income with respect to loan payment amounts paid by employers that are subject to federal income taxes.</p>	<p>The State Board of Education will repeal Rule Chapter 145 by September 1, 2010.</p> <p>The Department will consolidate information from the Maine community colleges, colleges and universities regarding how the program is working and convey the information to the Joint Standing Committee on Education and Cultural Affairs by March 1, 2011 and March 1, 2012.</p>	
<p>LD 1506, Private & Special Law 2009, Chapter 27 <i>An Act To Authorize Maine Media College To Confer the Degree of Master of Fine Arts (EMERGENCY)</i></p>	<p>Grants permanent authorization for Maine Media College to grant the degree of Master of Fine Arts beyond June 30, 2010. Private and Special Law 200, Chapter 9 had granted approval of degree-granting authority until June 30, 2010 to Maine Media College.</p>	<p>February 8, 2010</p>	<p>Jim Banks, Chair State Board of Education Wanda Monthey Harry Osgood</p>

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LD 1527, Resolve 2009, Chapter 148 <i>Resolve, Regarding Legislative Review of Portions of Chapter 692: Siting of Oil Storage Facilities, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)</i>	<p>Provides Legislative approval of provisionally adopted Department of Environmental Protection (DEP) Rule Chapter 692. This rule does include siting of oil storage facilities near a school, in “wellhead protection zones” for private drinking water wells and public drinking water wells and variances for wells providing drinking water to schools.</p>	<p>February 18, 2010</p> <p>Informational Letter to Superintendents by July 15, 2010.</p>	<p>Jim Rier Scott Brown Jim Banks, Chair State Board of Education</p>
LD 1532, Public Law 2009, Chapter 508 <i>An Act To Align Education Laws with Certain Federal Laws</i>	<p>Requires that students with visual impairments, including blindness, must have access to Braille and other accessible instructional materials including on-line learning programs.</p> <p>Clarifies the residency for school eligibility of a student who is placed by the Department of Health and Human Services (DHHS) with an adult who is not the child’s parent or legal guardian in accordance with the provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008.</p> <p>Changes the requirement that all special education programs receive a review and assistance from at least once every 5 years to only as often as necessary to comply with federal requirements.</p>	<p>July 12, 2010</p> <p>Informational Letter to Superintendents by July 15, 2010.</p>	<p>David Stockford</p>
LD 1551, Resolve 2009, Chapter 171 <i>Resolve, Directing the Right To Know Advisory Committee To Examine Issues Related to Communications of Members of Public Bodies</i>	<p>Directs the Right To Know Advisory Committee to examine and make recommendations on the following issues:</p> <ol style="list-style-type: none"> 1) How the freedom of access laws can appropriately address use of communication technologies, both existing and those to be developed in the future, to ensure that decisions are made in proceedings that are open and accessible to the public; 2) If penalties for violations of the freedom of access laws should be revised, including consideration of criminalizing violations and making the individual who violates the laws responsible for the penalty, rather than the governmental entity; and 3) If partisan party caucuses should be specifically excluded from the definition of “public proceedings”. 	<p>July 12, 2010</p> <p>The Department will monitor the work of the Right To Know Advisory Committee.</p>	<p>Arthur Keenan Greg Scott</p>

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LD 1563, Resolve 2009, Chapter 154 <i>Resolve, To Develop Model Academic Year Calendars</i>	<p>Directs the Commissioner to establish a working group of K-12 school officials, primarily Superintendents and Career and Technical Education Directors, to prepare draft academic year calendars that account for regional differences within the State.</p> <p>The Commissioner is to report back to the Joint Standing Committee on Education and Cultural Affairs with recommendations by February 11, 2011.</p> <p>The Joint Standing Committee on Education and Cultural Affairs has the authority to submit a bill to the First Regular Session of the 125th Legislature.</p>	<p>July 12, 2010</p> <p>Informational Letter to Superintendents by August 1, 2010.</p> <p>The Commissioner will establish the working group by August 1, 2010.</p> <p>The working group will report recommendations to the Commissioner by December 15, 2010. The Commissioner will report recommendations to the Joint Standing Committee on Education and Cultural Affairs by February 15, 2011.</p>	Angela Faherty, Acting Commissioner Wanda Monthey
LD 1564, Public Law 2009, Chapter 486 <i>An Act To Update the Laws Concerning the Maine School of Science and Mathematics</i>	<p>Amends and clarifies several provisions regarding the Maine School of Science and Mathematics including:</p> <ul style="list-style-type: none"> • Clarification of the voting status of a student Board of Trustees member, recognition of the local Regional School Unit (RSU); • Quorum voting requirements for the Board of Trustees; • Full time teaching requirement for one of the faculty member of the Board of Trustees; • The removal of references to high school sophomores, juniors and seniors in laws governing admission to the school; • Student use of scholarship funds; • Allowing postgraduate students to attend at their own full costs and the prohibition of the use of private scholarship funds to offset state funds; and • Creating a general purpose educational enhancement fund. 	<p>July 12, 2010</p>	Wanda Monthey Kate Reilly, Director of External Affairs Maine School of Science & Mathematics

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LD 1646, Public Law 2009, Chapter 586 <i>An Act To Establish a Broadband Policy for Maine (EMERGENCY)</i>	Establishes certain broadband goals and policies to promote broadband infrastructure deployment and availability in this State.	April 1, 2010 The Department will participate in the activities of the Broadband Strategy Council and the ConnectME Authority as appropriate.	Jeff Mao
LD 1658, Public Law 2009, Chapter 626 <i>An Act To Increase Maine's High School Graduation Rates</i>	<p>Establishes the goal of the State to achieve a 90% graduation rate by the end of the 2016 school year.</p> <p>Requires the Commissioner to provide technical assistance to public secondary schools that haven't attained a graduation rate of 80% by the end of the 2012-2013 school year. These public schools also must submit an action plan to achieve a graduation rate of 90% by the end of the 2015-2016 school year.</p> <p>The Commissioner shall establish a stakeholder group to review guidelines for suspensions, expulsions and reinstatements, truancy and dropouts, increased graduation rates, zero tolerance practices, maximum mandatory attendance age, and the effectiveness of current truancy laws.</p> <p>The Department of Education shall submit provisionally adopted major substantive rules specifying the method used to calculate graduation rates for publicly supported secondary schools to the First Session of the 125th Legislature by January 14, 2011.</p> <p>The stakeholder group shall report back to the Joint Standing Committee on Education and Cultural Affairs by November 1, 2010.</p> <p>The Joint Standing Committee on Education and Cultural Affairs may make recommendations to the Commissioner at an interim meeting or to the Joint Standing Committee on Education and Cultural Affairs of the First Session of the 125th Legislature.</p>	July 12, 2010 Informational Letter to Superintendents by June 15, 2010. The Commissioner has requested letters of appointment from the stakeholder group associations. The stakeholder group will be convened in June, 2010 and report the findings to the Joint Standing Committee on Education and Cultural Affairs by November 1, 2010. The Department will begin the rulemaking process regarding the method to calculate graduation rates by August 1, 2010.	Angela Faherty, Acting Commissioner Wanda Monthey Shelley Reed

Title	Provisions	Effective Date Action Required	Contact
<p>LD 1668, Public Law 2009, Chapter 462 <i>An Act To Implement the Recommendations of the Initiative To Streamline State Government and To Make Other Necessary Changes to Law (EMERGENCY)</i></p>	<p><u>PART A</u></p> <p><u>Adult Education</u></p> <ul style="list-style-type: none"> Transfers 25% of the funding for an Adult Education Specialist III position from General Fund to Federal Fund for a General Fund savings. <p style="text-align: center;"><u>FY 11</u> (\$21,221)</p> <p><u>PK-20 Curriculum, Instruction and Assessment</u></p> <ul style="list-style-type: none"> Reduces funding in PK-20 Curriculum, Instruction and Assessment for general operating and support for regional representatives operating costs, travel, office supplies, and the Maine Educational Assessment Advisory Committee. <p style="text-align: center;"><u>FY 11</u> (\$43,000)</p> <p><u>Special Services Team</u></p> <ul style="list-style-type: none"> Reduces funding for the coordinated school health program in the areas of professional development and consultative assistance to local school personnel. <p style="text-align: center;"><u>FY 11</u> (\$43,000)</p> <ul style="list-style-type: none"> Reduces funding for the Interdepartmental Committee on Transition in the areas of professional development and assistance to local schools. <p style="text-align: center;"><u>FY 11</u> (\$200,000)</p>	<p>January 21, 2010</p>	<p>Angela Faherty, Acting Commissioner Jim Rier</p> <p>Jeff Fantine Wanda Monthey</p> <p>Wanda Monthey</p> <p>David Stockford</p> <p>David Stockford</p>

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	<p><u>PART L</u></p> <ul style="list-style-type: none">• Authorizes the Commissioner to temporarily adjust General Purpose Aid for Local Schools for funding year 2009-10 pursuant to the curtailment of the allotment of \$38,098,223 contained in the Governor’s Executive Order # 05 dated November 20, 2009.• Directs the Department of Education to report on the implementation of this Part to the Joint Standing Committees on Education and Cultural Affairs and the Appropriations and Financial Affairs by March 1, 2010.	Adjustment of March 1, 2010 report back completed.							
<p>LD 1671, Public Law 2009, Chapter 571 <i>An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011 (EMERGENCY)</i></p>	<p><u>PART A</u></p> <p><u>Adult Education</u></p> <ul style="list-style-type: none">• Reduces funding for Adult Education in the areas of Local Program Subsidy and College Transition administration. <p style="text-align: center;"><u>FY 11</u> (\$80,000)</p> <p><u>Child Development Services</u> <u>Special Services Team</u></p> <ul style="list-style-type: none">• Transfers one (1) Education Specialist II position from the Child Development Services (CDS) program to the Special Services Team program. <table><tr><td style="text-align: center;"><u>FY 10</u></td><td style="text-align: center;"><u>FY 11</u></td></tr><tr><td style="text-align: center;">(\$19,375)</td><td style="text-align: center;">(\$78,906)</td></tr><tr><td style="text-align: center;">\$19,375</td><td style="text-align: center;">\$78,906</td></tr></table>	<u>FY 10</u>	<u>FY 11</u>	(\$19,375)	(\$78,906)	\$19,375	\$78,906	March 31, 2010	<p>Angela Faherty, Acting Commissioner</p> <p>Jeff Fantine Wanda Monthey</p> <p>David Stockford Debra Hannigan</p>
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	<ul style="list-style-type: none">Reduces funding for General Purpose Aid for Local Schools subsidy to school administrative units.<div><div><div><u>FY 10</u></div><div>(\$38,098,223)</div></div><div><div><u>FY 11</u></div><div>(\$10,123,138)</div></div></div>Provides funds for schools that voted to support and comply with the school reorganization law but whose partner districts rejected consolidation.<div><div><div><u>FY 10</u></div><div>\$0</div></div><div><div><u>FY 11</u></div><div>\$1,120,532</div></div></div>Reduces funding for a contract with the University of Maine Center for Education Policy, Applied Research and Evaluation in FY 2011.<div><div><div><u>FY 10</u></div><div>\$0</div></div><div><div><u>FY 11</u></div><div>(\$50,000)</div></div></div> <p><u>Leadership Team</u></p> <ul style="list-style-type: none">Transfers all funding for indirect costs, including one (1) Public Service Manager II position from the Federal Expenditures Fund to an Other Special Revenues Funds within the Leadership Team program.<div><div><div><div><u>FY 10</u></div><div>Federal Expenditures Fund</div><div>\$0</div></div><div><div><u>FY 11</u></div><div>(\$407,561)</div></div></div><div><div><div><u>FY 10</u></div><div>Other Special Revenue Fund</div><div>\$0</div></div><div><div><u>FY 11</u></div><div>\$407,561</div></div></div></div>		<p>Angela Faherty, Acting Commissioner Jim Rier</p> <p>“</p> <p>Angela Faherty, Acting Commissioner Jim Rier Jeff Mao</p> <p>Angela Faherty, Acting Commissioner</p>

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	<p><u>PART E</u></p> <ul style="list-style-type: none"> Repeals statutory sections on budget requirements for school administrative districts and community school districts that are no longer necessary. Specifies a lower tuition rate calculation for school year 2009-2010 to reflect the reduction in state aid to public school administrative units. Provides clarification in audit requirements to reflect current statutory requirements for the accounting of public funds in school administrative units. Corrects cross-references. Specifies the appropriate percentages necessary for the fiscal year 2010-11 funding level. Provides that, beginning in fiscal year 2010-11, if the State is able to fund only a percentage of its 55% share of the cost of the components of essential programs and services, then local school administrative units that raise at least that same percentage of their required local contribution may not be penalized by further reductions in state subsidy. This provision is repealed as of June 30, 2012. Removes minor capital project debt from the list of types of debt for which the legislative body of each school administrative unit may vote to raise and appropriate funds and removes minor capital debt from the warrant article and explanation required for non-state-funded debt service approval. 		<p>Angela Faherty, Acting Commissioner Jim Rier Susan Beaudoin</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p>

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	<ul style="list-style-type: none"> Specifies a mill expectation of 6.69 for fiscal year 2009-10; the total cost of funding public education from kindergarten to grade 12, consisting of total operating allocation and the state and local share of those costs. Specifies a mill expectation of 7.46 for fiscal year 2010-11 and the total cost of funding public education from kindergarten to grade 12, consisting of total debt service allocation, total adjustments and miscellaneous costs and state share percentage. It also authorizes the lowering of the mill expectation from 7.46 to 6.96 with funds provided under Title XIV of the State Fiscal Stabilization Fund of the federal American Recovery and Reinvestment Act of 2009 as part of the amount restored to school administrative units in fiscal year 2010-11. Specifies the methods of cost-sharing that apply to school administrative districts reorganized as regional school units pursuant to Public Law 2009, Chapter 240 as amended by Chapter 668. Clarifies, for purposes of calculating a school administrative unit's total operating allocation, the isolated small school adjustment is calculated with regard to closing schools. Revises one of the eligibility conditions for a school administrative unit to qualify for an adjustment for debt service beginning with fiscal year 2010-11. Clarifies a subsidy appeal to the State Board of Education. 		<p>Angela Faherty, Acting Commissioner Jim Rier Susan Beaudoin</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>Jim Banks, Chair State Board of Education</p>

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	<ul style="list-style-type: none">Amends the laws to comply with revised budget procedures for schools administrative units.Establishes and provides funding for the total costs of funding public K-12 education, including debt services and adjustments for FY 11 at \$1,909,463,947.Establishes the local and state contributions to the total costs of funding public education from kindergarten to grade 12 as follows:<table><tr><td><u>2009-2010</u></td><td><u>2009-2010</u></td></tr><tr><td><u>LOCAL</u></td><td><u>STATE</u></td></tr><tr><td><u>\$961,272,967</u></td><td><u>\$920,873,269</u></td></tr><tr><td>Portion to be paid from Federal IDEA balance.</td><td><u>(\$11,600,000)</u></td></tr><tr><td></td><td>\$909,273,269</td></tr><tr><td><u>2010-2011</u></td><td><u>2010-2011</u></td></tr><tr><td><u>LOCAL</u></td><td><u>STATE</u></td></tr><tr><td>\$1,031,138,925</td><td>\$878,325,022</td></tr></table>Establishes the limit of the state’s obligation and authorization of payment.	<u>2009-2010</u>	<u>2009-2010</u>	<u>LOCAL</u>	<u>STATE</u>	<u>\$961,272,967</u>	<u>\$920,873,269</u>	Portion to be paid from Federal IDEA balance.	<u>(\$11,600,000)</u>		\$909,273,269	<u>2010-2011</u>	<u>2010-2011</u>	<u>LOCAL</u>	<u>STATE</u>	\$1,031,138,925	\$878,325,022		<p>Angela Faherty, Acting Commissioner Jim Rier Susan Beaudoin</p> <p>Angela Faherty, Acting Commissioner Jim Rier Susan Beaudoin</p> <p>“</p> <p>“</p>
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	<p><u>PART QQ</u></p> <ul style="list-style-type: none"> Transfers \$140,000 in unexpended funds from the Criminal History Record Check Fund, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2010. <p><u>PART MMM</u></p> <ul style="list-style-type: none"> Restores longevity payments to employees of the executive, judicial and legislative branches of State Government in fiscal year 2010-11. <p><u>PART QQQ</u></p> <ul style="list-style-type: none"> Extends the period between a regional school unit budget meeting at which the regional school unit's annual budget is approved and its budget validation referendum from 14 to 30 calendar days, establishes fiscal year 2010-11 as the year for regional school units to consider continued use of the budget validation referendum process and provides a method to reinstate the referendum process three (3) years after its discontinuance. <p><u>PART RRR</u></p> <ul style="list-style-type: none"> Allows teachers covered by the Maine Public Employees Retirement System to purchase time attributable to days off without pay as a result of budget decisions made by local school administrative units for fiscal years beginning July 1, 2009 and July 1, 2010. This Part provides to teachers the same benefits available to state employees. 		<p>Mark Cyr Jim Banks, Chair State Board of Education</p> <p>Val Seaberg</p> <p>Jim Rier</p> <p>Jim Rier</p>

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	<p><u>PART VVV</u></p> <ul style="list-style-type: none"> Provides additional time for a school administrative unit to comply with the reorganization law if it approved a reorganization plan at a referendum prior to January 30, 2010 but is unable to implement the plan because the plan was rejected by one or more of its proposed partners. The school administrative unit would be allowed to restart the process to form a regional school unit with the same or other school administrative units. <p><u>PART XXX</u></p> <ul style="list-style-type: none"> Extends the amount of time that the carry-forward of a school administrative unit's unallocated balances may exceed 3% of the previous fiscal year's school budget. <p><u>PART ZZZ</u></p> <ul style="list-style-type: none"> Requires the Commissioner of Education and the Commissioner of Health and Human Services to present a status report to the Joint Standing Committee on Education and Cultural Affairs regarding the financial implications of implementing any proposed changes to the Department of Health and Human Services rules pertaining to MaineCare, including the potential adverse fiscal impact for Medicaid-eligible children from birth to 20 years of age who receive programs and services through the Child Development Services System and through kindergarten to grade 12 schools in accordance with the federal Individuals with Disabilities Education Act, 20 United States Code, Sections 1400 et seq. 	<p>The Commissioners of DOE and DHHS will collaborate as appropriate and submit a final report to the Joint Standing Committee on Education and Cultural Affairs by October 1, 2010.</p>	<p>Jim Rier</p> <p>“</p> <p>Angela Faherty, Acting Commissioner David Stockford Jaci Holmes Debra Hannigan</p>

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	<ul style="list-style-type: none"> • This Part also requires the Commissioners to submit a final report no later than October 1, 2010. • The Joint Standing Committee on Education and Cultural Affairs may report out a bill to the 124th Legislature based on the report submitted. 	DOE and DHHS will coordinate the implementation of the provisions of this Chapter with the provisions of LD 1804, Chapter 643.	Angela Faherty, Acting Commissioner David Stockford Jaci Holmes Debra Hannigan
LD 1686, Resolve 2009, Chapter 182 <i>Resolve, To Clarify the Reporting of Debt Service Costs and the Allowance of Minor Capital School Improvement Projects Costs under Essential Programs and Services (EMERGENCY)</i>	<p>Directs the Commissioner to convene a stakeholder group which is to include representation from the Maine School Superintendents Association (MSSA), the Maine Association of School Business Officials (MASBO), the Maine School Boards Association (MSBA), and any other interested party determined by the Commissioner, to review current state law related to recognizing, funding and approving non-state funded debt service costs for minor capital improvement projects.</p> <p>The Commissioner is to report the findings and recommendations of the stakeholder group to the Joint Standing Committee on Education and Cultural Affairs by January 15, 2011. The Education Committee is authorized to present a bill to the First Session of the 125th Legislature.</p>	<p>March 30, 2010</p> <p>The Department will establish and convene the stakeholder group by August 15, 2010.</p> <p>The Commissioner shall present the recommendations of the stakeholders group to the Education Committee by January 15, 2011.</p>	Angela Faherty, Acting Commissioner Jim Rier Jim Banks, Chair State Board of Education
LD 1703, Resolve 2009, Chapter 204 <i>Resolve, To Implement the Recommendations of the Juvenile Justice Task Force (EMERGENCY)</i>	<p>Implements the recommendations of the Juvenile Justice Task Force. The resolve includes directives to the Department of Corrections (DOC), the Department of Education (DOE), the Department of Health and Human Services (DHHS) and the Department of Labor (DOL) to develop a statewide coordinated services district system by June 1, 2010. The system will be responsible for coordinating and implementing service delivery initiatives and for presenting a plan by January 11, 2011 identifying flexible ongoing funding for the purpose of increasing high school graduation rates, reducing the number of youth in the juvenile justice system, reducing child abuse and neglect and increasing employment opportunities for youth. The resolve also directs the system to work with the Children's Cabinet.</p>	<p>April 7, 2010</p> <p>The Department of Corrections is the lead agency. The Department of Education will participate cooperatively as prescribed.</p>	Wanda Montney Shelley Reed David Stockford

Title	Provisions	Effective Date Action Required	Contact
LD 1704, Public Law 2009, Chapter 628 <i>An Act To Amend the Laws Regarding Authority over and Oversight of Certified Nursing Assistant Educational Programs</i>	<p>Transfers a position count as well as responsibilities and oversight of the training, competency testing / certification for Certified Nursing Assistants, and others who work in nursing facilities, from the Department of Education (DOE) to the Department of Health and Human Services (DHHS). Fees for competency testing / certification are increased to support the position.</p>	<p>July 12, 2010</p> <p>The DOE will work with the DHHS to achieve the transition.</p>	<p>Wanda Monthey</p>
LD 1705, Public Law 2009, Chapter 614 <i>An Act To Align the Duties of School Boards Concerning Student Safety with the Requirements of the Federal Gun-Free Schools Act and To Prohibit the Discharge of Firearms within 500 Feet of Public and Private School Properties</i>	<p>Requires school boards to adopt policies, consistent with federal legislation, on safe and gun-free schools.</p> <p>Clarifies the authority of the school board to adopt appropriate safeguards to ensure student safety while permitting the school board to offer instructional activities related to firearms or allow firearms to be brought onto school property for instructional purposes.</p> <p>Clarifies that the prohibition of discharging a firearm within 500 feet of school property applies to both public school property and approved private school property as well as providing certain exceptions to the possession or discharge of firearms.</p>	<p>July 12, 2010</p> <p>Informational Letter to Superintendents by August 1, 2010.</p>	<p>David Stockford</p>
LD 1741, Resolve 2009, Chapter 200 <i>Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education (EMERGENCY)</i>	<p>Most provisions were finally approved for adoption. (See Department of Education Informational Letter # 111 dated April 13, 2010) Three (3) Provisions expire June 20, 2011. On July 1, 2011, those revisions revert back to the rule in effect (June 15, 2009) unless the Legislature authorizes the final adoption of rule amendments in the First Regular Session of the 125th Legislature.</p> <p>The Commissioner, no later than 30 days following the effective date of the Resolve, shall convene a 13 member stakeholder group from six representatives appointed by the Maine Education Advocacy Alliance (MEAA), six members appointed by the Maine Administrators of Services for Children with Disabilities (MADSEC) and a member of the DOE appointed by the Commissioner.</p>	<p>April 2, 2010</p> <p>The effective date of the amended Rule was May 8, 2010.</p> <p>The stakeholder group has been established and all appointments were made and accepted on May 5, 2010. The first meeting of the stakeholder group will be convened on May 17, 2010.</p>	<p>David Stockford Jaci Holmes Debra Hannigan</p>

Title	Provisions	Effective Date Action Required	Contact
	<p>During the first meeting of the stakeholder group, the members may add an additional member who is a faculty member at a Maine public or private higher education institution and who has expertise in the field of special education. The stakeholder group will select a chair person and will review the three (3) portions of the rule to expire June 30, 2011. The three portions address the definition of “educational performance” to include “functional performance”, provisions for a data based procedure for eligibility determination and provisions for an “abbreviated day”.</p> <p>The stakeholder group shall make recommendations to the Commissioner for suggested revisions to the major substantive rules by January 14, 2011.</p> <p>The Commissioner shall conduct a review of the Medicaid rate schedule for qualified licensed contractors and report findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs by The Commissioner may submit provisionally adopted major substantive rules to the First Session of the 125th Legislature.</p>	<p>Informational Letter # 111 was sent to Superintendents on April 13, 2010.</p> <p>Summary of the Rule provisions and action plan for the stakeholder group will be posted on the Department’s web page by June 1, 2010.</p>	
<p>LD 1751, Resolve 2009, Chapter 157 <i>Resolve, Regarding Legislative Review of the Repeal of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education (EMERGENCY)</i></p>	<p>The underlying statutory authority and need for this rule was repealed during the 122nd Legislative session in June 2006. The formula for the distribution of funds to the Child Development Services (CDS) regional sites is now an administrative procedure of the State CDS Intermediate Educational Unit (IEU) allocation methodology. The bill represents legislative approval for the final repeal of the rule.</p>	<p>March 8, 2010</p> <p>The effective date of the repeal of the Rule was April 14, 2010.</p>	<p>David Stockford Debra Hannigan Jaci Holmes</p>

Title	Provisions	Effective Date Action Required	Contact
LD 1752, Resolve 2009, Chapter 158 <i>Resolve, Regarding Legislative Review of the Repeal of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education (EMERGENCY)</i>	<p>The State Legislature repealed the former separate statutory provisions regarding the Child Development Services (CDS) System during the 122nd Legislative session in 2006 and replaced them with statutory provisions within the Department's special education section of statute. There is no longer statutory authority for Provider Advisory Boards for the CDS System. The bill represents legislative approval for the final repeal of the rule.</p>	<p>March 8, 2010</p> <p>The effective date of the repeal of the Rule was April 14, 2010.</p>	<p>David Stockford Debra Hannigan Jaci Holmes</p>
LD 1764, Resolve 2009, Chapter 151 <i>Resolve, To Support the Development of Maine's Economic Future by Promoting Science, Technology, Engineering and Math Education (EMERGENCY)</i>	<p>Directs the Department of Education, in consultation with the University of Maine System and the Maine Community College System, to conduct a study and develop a state plan for the learning of science, technology, engineering and math (STEM) for Race to the Top application.</p> <p>The Department shall also review existing K-12 learning standards regarding the opportunities for students to gain and assess knowledge to be incorporated as part of a national assessment of technical literacy beginning in 2012. The Department shall submit a report of findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs by February 1, 2011.</p> <p>The Education Committee is authorized to submit a bill, based on these findings and recommendations, to the First Session of the 125th Legislature.</p>	<p>February 23, 2010</p> <p>The Department completed the plan for the Race to the Top Application and submitted it May 28, 2010 and will coordinate with ongoing STEM initiatives as well as common core standards and assessment initiatives.</p> <p>Report to the Joint Standing Committee on Education and Cultural Affairs by February 1, 2011.</p>	<p>Wanda Monthey</p>
LD 1771, Publix Law 2009, Chapter 540 <i>An Act To Include All Children in the Conditions of Education Report</i>	<p>Requires the Education Research Institute to include information on early care and public preschool programs to the information that it collects and analyzes. It also adds a person from the Maine Children's Growth Council to the Education Research Institute steering committee.</p>	<p>July 12, 2010</p> <p>The Department will collaborate with the Maine Education Policy Research Institute steering committee and the Maine Children's Growth Council to initiate the changes.</p>	<p>David Stockford Jim Rier</p>

Title	Provisions	Effective Date Action Required	Contact
LD 1778, Public Law 2009, Chapter 612 <i>An Act To Enable the Installation of Broadband Infrastructure (EMERGENCY)</i>	<p>Authorizes dark fiber providers to expand the installation of broadband infrastructure to unserved, or underserved, areas and to provide public schools and businesses access to broadband fiber and telecommunications services. A dark fiber provider is defined as an entity that owns, that controls, that operates or that manages federally supported dark fiber, must be approved and regulated by the Public Utilities Commission (PUC) as a telephone utility under the Public Utility law of Title 35.</p> <p>Funds are provided through the American Recovery and Reinvestment Act (ARRA) grants and fees charged to users are deposited in a sustainability fund administered by the ConnectME Authority. All funds remaining in the sustainability fund after three years will be transferred to the ConnectME fund.</p>	<p>April 6, 2010</p> <p>The Department will continue collaboration with appropriate partners to expand access to broadband service to Maine schools and libraries.</p>	<p>Jeff Mao</p>
LD 1784, Resolve 2009, Chapter 207 <i>Resolve, Directing the Joint Standing Committee on State and Local Government To Study the Rule-making Process under the Maine Administrative Procedures Act</i>	<p>The Joint Standing Committee on State and Local Government shall hold up to three meetings to study the APA process and state agency procedures in the rule-making process. The State and Local Government Committee is authorized to submit a report with any suggested legislation to the First Regular Session of the 125th Legislature.</p>	<p>July 12, 2010</p> <p>The Department will participate as requested or appropriate in the State and Local Government Committee review.</p>	<p>Greg Scott Jaci Holmes Jim Banks, Chair State Board of Education</p>
LD 1791, Resolve 2009, Chapter 186 <i>Resolve, Directing the Right To Know Advisory Committee To Further Examine Requirements That Public Bodies Keep Records of Public Proceedings</i>	<p>Directs the Right To Know Advisory Committee (RTKAC) to further examine issues related to requiring public bodies to keep records of public proceedings. The Advisory Committee must submit a report to Judiciary Committee no later than February 15, 2011.</p>	<p>July 12, 2010</p> <p>The Department will monitor the deliberations of the Right To Know Advisory Committee and will participate as appropriate.</p>	<p>Greg Scott Arthur Keenan Jim Banks, Chair State Board of Education</p>
LD 1792, Public Law 2009, Chapter 567 <i>An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions</i>	<p>Contains recommendations of the Right To Know Advisory Committee (RTKAC) concerning public records exceptions as described in its fourth annual report.</p> <p>Includes the recommended amendments to existing public records exceptions to provide as much consistency as possible across the statutes.</p>	<p>July 12, 2010</p> <p>The Department will seek procedural advice from the Attorney General's Office by April 28, 2010 then to begin</p>	<p>Angela Faherty, Acting Commissioner Arthur Keenan Greg Scott Mark Cyr Jim Banks, Chair</p>

Title	Provisions	Effective Date Action Required	Contact
	<p>Amends laws governing the confidentiality of information about the Commissioner of Education's disciplinary actions with regard to educational personnel and makes public certain information regarding final written decisions relating to disciplinary action taken by the Commissioner against persons holding certifications, approvals and authorizations.</p> <p>Finally, it directs the RTKAC to further review and make recommendations concerning issues involved with requests for public records in bulk. These recommendations must be included in the RTKAC's annual report to be submitted to the Joint Standing Committee on Judiciary by January 15, 2011.</p>	<p>implementation of a public education and implementation by July 12, 2010.</p> <p>Informational Letter to Superintendents by August 1, 2010.</p>	<p>State Board of Education</p>
<p>LD 1799, Public Law 2009, Chapter 646 <i>An Act To Encourage the Use of Models in the Collection and Use of Student Achievement Data (GOVERNOR'S BILL)</i></p>	<p>Eliminates the prohibition of the use / linkage of student assessment data in the establishment of models of evaluation of the professional performance of teachers and principals.</p> <p>The models must include multiple measures and the Commissioner of Education was directed to convene a stakeholder group to review and approve models (no later than July 1, 2011).</p> <p>Local school administrative units who choose to link student assessment data with the evaluation of teachers and principals must choose from these approved models.</p> <p>These provisions and those of LD 1800 and LD 1801 were necessary to meet the requirements to submit a federal Race to the Top application but will continue to be an integral part of state initiatives around common core standards, student assessment, teacher evaluations, graduation requirements and future reauthorization of the Elementary and Secondary Education Act (ESEA) and other federal programs.</p> <p><i>The Governor on April 14, 2010 issued Executive Order # 11 which ordered that the stakeholder group must approve at least one evaluation model for school use by May 14, 2010.</i></p>	<p>July 12, 2010</p> <p>The stakeholder group completed the work and agreed on the components of two models on May 14, 2010.</p> <p>The stakeholder group will continue to review and approve additional models in accordance with the July 1, 2011 deadline.</p>	<p>Angela Faherty, Acting Commissioner Wanda Monthey</p>

Title	Provisions	Effective Date Action Required	Contact
<p>LD 1800, Public Law 2009, Chapter 647 <i>An Act To Adopt the Common Core State Standards Initiative (EMERGENCY)</i> <i>(GOVERNOR'S BILL)</i></p>	<p>Allows the DOE to include the “Common Core State Standards Initiative” standards in English language arts and mathematics, established in common with other states, in Maine’s K-12 system of learning results and assessment.</p> <p>The bill also grants the Commissioner the authority to adopt emergency rules in order to implement the standards.</p> <p>These provisions and those of LD 1799 and LD 1801 were necessary to meet the requirements to submit a federal Race to the Top application but will continue to be an integral part of state initiatives around common core standards, student assessment, teacher evaluations, graduation requirements and future reauthorization of the Elementary and Secondary Education Act (ESEA) and other federal programs.</p>	<p>April 12, 2010</p> <p>Continue the Common Core State Standards Initiative, adopt emergency rules if appropriate and submit any provisionally adopted major substantive rules to the Legislature for final approval by January 14, 2011.</p>	<p>Angela Faherty, Acting Commissioner Wanda Monthey Dan Hupp Jim Banks, Chair State Board of Education</p>
<p>LD 1801, Public Law 2009, Chapter 616 <i>An Act To Promote the Establishment of Innovative Schools (EMERGENCY)</i> <i>(GOVERNOR'S BILL)</i></p>	<p>Authorizes school administrative units to establish innovative schools as defined in the provisions of the bill.</p> <p>The bill also provides that local school boards have the oversight role for innovative schools and that all applicable state statutory and regulatory requirements must be met by school administrative units that establish innovative schools.</p> <p>Finally, the bill authorizes the dissolution of the Otis – Mariaville Union School in accordance with the terms of the Otis-Mariaville agreement rather than the subsequently enacted provisions of MRSA, Title 20-A, Chapter 109.</p> <p>These provisions and those of LD 1799 and LD 1800 were necessary to meet the requirements to submit a federal Race to the Top application but will continue to be an integral part of state initiatives around common core standards, student assessment, teacher evaluations, graduation requirements and future reauthorization of the Elementary and Secondary Education Act (ESEA) and other federal programs.</p>	<p>April 7, 2010</p> <p>Informational Letter to Superintendents by August 1, 2010.</p>	<p>Angela Faherty, Acting Commissioner Wanda Monthey</p>

Title	Provisions	Effective Date Action Required	Contact
<p>LD 1802, Resolve 2009, Chapter 184 <i>Resolve, Directing the Right To Know Advisory Committee to Examine Issues Related to Private Information Contained in the Communications of Public Officials</i></p>	<p>Directs the Right To Know Advisory Committee (RTKAC) to examine the issues relating to protection of private information in electronic and other communications sent or received by public officials, particularly communications between elected officials and their constituents.</p> <p>The RTKAC will report its finding and recommendations, with suggested legislation, to the Joint Standing Committee on Judiciary by November 30, 2010.</p>	<p>July 12, 2010</p> <p>The Department will monitor the deliberations of the Right To Know Advisory Committee and will participate as appropriate.</p>	<p>Greg Scott David Connerty-Marin Arthur Keenan Jim Banks, Chair State Board of Education</p>
<p>LD 1804, Public Law 2009, Chapter 643 <i>An Act Concerning Certain MaineCare Rules Regarding Services Provided through the Child Development Services System and School Administrative Units (EMERGENCY)</i></p>	<p>Requires the Department of Health and Human Services (DHHS) to consult with the Department of Education (DOE), the Maine School Management Assoc. (MSMA), the Maine Administrators of Services for Children with Disabilities (MADSEC), the Disability Rights Center, and the Maine Developmental Disabilities Council, before adopting any rule that impacts children's services delivered by school administrative units or CDS and report monthly to the Joint Standing Committees on Health and Human Services and Education and Cultural Affairs.</p> <p>Further, DHHS shall amend or adopt routine technical rules, to include the interested parties, in the MaineCare Advisory Council and to maximize federal revenue available from the Medicaid program.</p> <p>Finally, DOE and DHHS shall review DHHS Chapter 101 rules to assure compliance with federal Medicaid requirements and shall consult with the Attorney General, the MSMA, the MADSEC, the Disability Rights Center, and the Maine Developmental Disabilities Council. DOE and DHHS shall submit interim reports to the Education Committee on May 15, 2010 and July 1, 2010 and a final report on January 3, 2011.</p>	<p>April 12, 2010</p> <p>Informational Letter to Superintendents by June 1, 2010.</p> <p>The first interim report will be submitted May 15, 2010.</p> <p>DOE will participate as one of five interested parties in consultation with DHHS. DOE will collaborate with DHHS to review the provisions of DHHS Rule Chapter 101 in order to file the requisite reports on July 1, 2010 and January 3, 2011.</p> <p>DOE and DHHS will present an update / briefing to the Education Committee June 7, 2010. DOE will post the May 15th interim report to the Joint Standing Committees on Education and Cultural Affairs and Health and Human Services on the Department's website. DOE and DHHS will coordinate the implementation of the provisions of this Chapter with the provisions of LD 1671, Chapter 571, Part ZZZ.</p>	<p>David Stockford Debra Hannigan Jaci Holmes Kathy Bubar, DHHS</p>

Summary

Listing of Legislation Requiring Report Backs by Title Only

Stakeholder Groups and Report Backs

LD 1563 - Resolve, To Develop Model Academic Year Calendars

LD 1658 - An Act To Increase Maine's High School Graduation Rates

LD 1686 - Resolve, To Clarify the Reporting of Debt Service Costs and the Allowance of Minor Capital School Improvement Projects Costs under Essential Programs and Services (EMERGENCY)

LD 1741 - Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education (EMERGENCY)

LD 1799 - An Act To Encourage the Use of Models in the Collection and Use of Student Achievement Data (GOVERNOR'S BILL)

Studies / Reviews and Report Backs

LD 551 - Resolve, To Direct the Commissioner of Education To Review the Essential Programs and Services Funding Formula

LD 1296 - An Act To Strengthen the Job Creation Through Educational Opportunity Program

LD 1671 - An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011 (EMERGENCY)

LD 1764 - Resolve, To Support the Development of Maine's Economic Future by Promoting Science, Technology, Engineering and Math Education (EMERGENCY)

LD 1804 - An Act Concerning Certain MaineCare Rules Regarding Services Provided through the Child Development Services System and School Administrative Units (EMERGENCY)